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FILED IN THE U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

SEP 12 2023

SEAN F. MCAVOY, CLERK, DEPUTY  
YAKIMA, WASHINGTON

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF WASHINGTON**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

Y.

KEVIN LEE TOWNER.

**Defendant.**

1:23-CR-2050-SAR

## INDICTMENT

**18 U.S.C. § 2252A(a)(2)(A), (b)(1)  
Receipt of Child Pornography  
(Count 1)**

**18 U.S.C. § 2252A(a)(2)(A), (b)(1)  
Distribution of Child Pornography  
(Count 2)**

**18 U.S.C. § 2252A(a)(5)(B), (b)(2)  
Possession of Child Pornography  
(Count 3)**

**18 U.S.C. § 2253  
Forfeiture Allegations**

#### **The Grand Jury charges:**

**COUNT 1**

26 Beginning on or about November 18, 2018, and continuing through on or  
27 about May 23, 2019, in the Eastern District of Washington, the Defendant, KEVIN  
28 LEE TOWNER, did knowingly receive child pornography, as defined in 18 U.S.C.

**INDICTMENT - 1**

1 § 2256(8)(A), the production of which involved the use of minors engaging in  
2 sexually explicit conduct, and which visual depictions were of such conduct, that  
3 had been mailed, and shipped and transported using any means and facility of  
4 interstate and foreign commerce and in and affecting interstate and foreign  
5 commerce by any means, including by computer, and that was produced using  
6 materials that had been mailed, and shipped and transported in and affecting  
7 interstate and foreign commerce by any means, including by computer, to wit:  
8 visual depictions of minors engaging in sexually explicit conduct, including, but  
9 not limited to, the lascivious exhibition of their genitals and pubic areas, in  
10 violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

11 COUNT 2  
12

13 Beginning on or about November 18, 2018, and continuing through on or  
14 about May 23, 2019, in the Eastern District of Washington, the Defendant, KEVIN  
15 LEE TOWNER, did knowingly distribute child pornography, as defined in 18  
16 U.S.C. § 2256(8)(A), the production of which involved the use of minors engaging  
17 in sexually explicit conduct, and which visual depictions were of such conduct,  
18 that had been mailed, and shipped and transported using any means and facility of  
19 interstate and foreign commerce and in and affecting interstate and foreign  
20 commerce by any means, including by computer, and that was produced using  
21 materials that had been mailed, and shipped and transported in and affecting  
22 interstate and foreign commerce by any means, including by computer, to wit:  
23 visual depictions of minors engaging in sexually explicit conduct, including, but  
24 not limited to, the lascivious exhibition of their genitals and pubic areas, in  
25 violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

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COUNT 3

On or about October 6, 2020, in the Eastern District of Washington, the Defendant, KEVIN LEE TOWNER, did knowingly possess material which contained one or more visual depictions of child pornography, as defined in 18 U.S.C. § 2256(8)(A), the production of which involved the use of minors engaging in sexually explicit conduct, and which visual depictions were of such conduct, that had been mailed, and shipped and transported using any means and facility of interstate and foreign commerce and in and affecting interstate and foreign commerce by any means, including by computer, and that was produced using materials that had been mailed, and shipped and transported in and affecting interstate and foreign commerce by any means, including by computer, to wit: visual depictions of minors, including prepubescent minors and minors who had not attained 12 years of age, engaging in sexually explicit conduct, all in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2).

## NOTICE OF FORFEITURE ALLEGATIONS

The allegations contained in this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures.

Pursuant to 18 U.S.C. § 2253, upon conviction of an offense in violation of 18 U.S.C. § 2252A(a)(2), (b)(1), and/or 18 U.S.C. § 2252A(a)(5)(B), (b)(2), as alleged in Counts 1, 2, and/or 3 of this Indictment, the Defendant, KEVIN LEE TOWNER, shall forfeit to the United States any visual depiction described in section 2251, 2251A, 2252, 2252A, 2252B, or 2260 of this chapter, or any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and, any property, real

or personal, used or intended to be used to commit or to promote the commission of such offenses, or any property traceable to such property, including, but not limited to, the following:

- A Beige MSI/AMD Computer Tower
  - A Black & Red USB Thumb Drive; and
  - A Dell XPS Computer Tower.

If any of the property described above, as a result of any act or omission of the Defendant:

- a. cannot be located upon the exercise of due diligence;
  - b. has been transferred or sold to, or deposited with, a third party;
  - c. has been placed beyond the jurisdiction of the Court;
  - d. has been substantially diminished in value; or
  - e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 2253(b).

DATED this 17 day of September 2023.

A TRUE BILL

Vanessa R. Waldref  
Vanessa R. Waldref  
United States Attorney

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**Christopher J. Bridger**  
**Assistant United States Attorney**